



# Department of Planning, Housing, & Community Development

**Mayor, Richard C. David**  
Acting Director, Jennifer M. Taylor

## ***STAFF REPORT***

TO: Planning Commission Members  
FROM: Planning, Housing & Community Development  
DATE: February 7, 2014  
SUBJECT: 58 Court Street; Series A Site Plan Review / Special Use Permit  
TM ID #: 160.41-4-2  
CASE: 2014-08  
COPIES: B. Seachrist, T. Costello, L. Webb (District 4), File

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### **A. REVIEW REQUESTED**

The applicant has submitted an application for a Series A Site Plan / Special Use Permit review for a multi-family residential project at the property known as 58 Court Street. The applicant is the owner of the subject property. A four-story structure, facing Court Street, occupies the majority of the parcel. The scope of work is contained to first and second story of the rear half of said building. The front half of the first floor is currently occupied by two separate commercial tenant spaces. The rear is currently a two-story residential unit with one bedroom on the first floor and four bedrooms on the second floor.

The submitted application indicates that the applicant intends to construct 5 bedrooms on the first floor, each with a dedicated bath. The applicant has also proposed constructing a sixth bathroom that will serve the occupant of the one currently existing bedroom on the first floor. On the second floor, the applicant has proposed the addition of a new bath to 3 of the 4 bedrooms, as well as the renovation of the kitchen. The addition of the 5 proposed new bedrooms will result in a residential unit with more than four bedrooms, which is subject to Special Use Permit and Series A Site Plan approval.

### **B. PLANNING STAFF COMMENTS**

Following a review of the submitted materials and a visit to the subject property, Planning Staff offers the following comments:

- The submitted site plan does not indicate the location of an existing garbage collection area. The applicant should submit a revised site plan indicating a suitable, properly screened waste collection area.

### **C. ADDITIONAL REVIEWS**

- The proposed project is located within 500 feet of a County owned facility. It is therefore subject to 239-m review by the Broome County Department of Planning and Economic Development. An application for review was submitted on February 7, 2014.
- The proposed project is located in the Local Waterfront Revitalization Program area; review by the Waterfront Advisory Committee ('WAC') is required. An application for review has been submitted.

#### **D. STANDARDS FOR APPROVAL OF SITE PLANS**

Listed below are the *Standards for approval of site plans* found in Article IX of the Zoning Ordinance. In reviewing a Series A Site Plan application, the Planning Commission is guided by the existing characteristics and conditions of the site, its surroundings, and the particular requirements of the Applicant. Elements of concern include, but are not limited to the following:

- Movement of vehicles and people
- Public safety
- Off-street parking and service
- Lot size, density, setbacks, building size, coverage and height
- Landscaping, site drainage, buffering, views or visual character
- Signs, site lighting
- Operational characteristics
- Architectural features, materials and colors
- Compatibility with general character of neighborhood
- Other considerations that may reasonably be related to health, safety, and general welfare

In addition, the general requirements described in Section 410-40 must be complied with. The requirements for Section 410-40 are as follows:

1. That the land use or activity is designed, located, and operated so as to protect the public health, safety, and welfare.
2. That the land use or activity will encourage and promote a suitable and safe environment for the surrounding neighborhood and will not cause substantial injury to the value of other property in the neighborhood.
3. That the land use or activity will be compatible with existing adjoining development and will not adversely change the established character or appearance of the neighborhood.
4. That effective landscaping and buffering is provided as may be required by the Planning Commission. To this end, parking areas and lot areas not used for structures or access drives shall be improved with grass, shrubs, trees, and other forms of landscaping, the location and species of which shall be specified on the site plan.
5. That a site plan shall be approved in accordance with applicable provisions of Article IX of the Zoning Ordinance.
6. That adequate off-street parking and loading are provided in accordance with Article X of the Zoning Ordinance or other requirements as may be set forth in Section 410-41, and egress and ingress to

parking and loading areas are so designed as to minimize the number of curb cuts and not unduly interfere with traffic or abutting streets.

7. That site development shall be such as to minimize erosion and shall not produce increased surface water runoff onto abutting properties.
8. That existing public streets and utilities servicing the project shall be determined to be adequate.
9. That significant existing vegetation shall be preserved to the extent practicable.
10. That adequate lighting of the site and parking areas is provided and that exterior lighting sources are designed and located so as to produce minimal glare on adjacent streets and properties.
11. That the land use or activity conforms with all applicable regulations governing the zoning district where it is to be located, and with performance standards set forth in Section 410-24 of the Zoning Ordinance, except as such regulations and performance standards may be modified by the Planning Commission or by the specific provisions of Section 410-41. Notwithstanding the above, the Planning Commission shall not be authorized to modify the land use regulations of the Zoning Ordinance.

## **E. SITE REVIEW**

The property known as 58 Court Street is located on Court Street between Washington Street and State Street. A four-story structure, facing Court Street, occupies the majority of the 7,494ft<sup>2</sup> parcel. There is a small courtyard at the western side of the center of the parcel, as well as a second 3-story building at the southwest corner of the property facing Washington Street. The scope of work is contained to the rear half of the larger building that abuts Court Street.

Land use in the vicinity of the subject property consists of multi-story, mixed-use properties. All of the properties are a mix of ground floor commercial space, with upper-story residential, office or commercial space.

## **F. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY**

37 Court Street: Starr Child Day Care was given permission to operate a day care center in 1995 through a Series B Site Plan review.

49 Court Street:

- In August of 2000, the Planning Commission granted a Special Use Permit and Series A Site Plan Review to Metrocenter Associates LLC to construct a 25,180 square foot, third floor addition to the Metrocenter.
- The Zoning Board of Appeals granted an area variance of off-street parking to Metrocenter Associates LLC to construct a 25,180 square foot, third floor addition to the Metrocenter.

56-58 Court Street: An area variance of off-street parking requirements was granted to Hirsh and Mowry

Realty in 1979.

60-68 Court Street:

- Adam Weitsman was given a Special Use Permit by the Planning Commission in March of 2000 to operate a billiard/pool hall.
- Richard David was granted Special Use Permit / Series A Site Plan Review approval for a Cultural Facility and a Multi-Unit Dwelling (More Than 4 Bedrooms) in June of 2011.

83 Court Street: In October of 2008, the Planning Commission approved a Series A Site Plan / Special Use Permit for a multi-unit residential and retail development in the C-2 District for Stellar 6001, LLC.

## G. ENVIRONMENTAL IMPACT

The applicant's proposal is a SEQR **UNLISTED** Action. The Planning Commission may be the lead agency to determine any environmental significance. Motion to determine what type of action:

- Type I
  - Type II
  - Unlisted**
- Determine Lead Agency and other involved agencies.
  - Motion to schedule a public hearing.
  - After the Public Hearing, Determination of Significance. (See EAS Part 2 & Part 3)

	NO, OR SMALL IMPACT MAY OCCUR	MODERATE TO LARGE IMPACT MAY OCCUR
Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<b>X</b>	
Will the proposed action result in a change in the use or intensity of use of land?	<b>X</b>	
Will the proposed action impair the character or quality of the existing community?	<b>X</b>	
Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<b>X</b>	
Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<b>X</b>	
Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<b>X</b>	
Will the proposed action impact existing:  A. public / private water supplies?  B. public / private wastewater treatment utilities?	<b>X</b>	
Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<b>X</b>	

Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<b>X</b>	
Will the proposed action result in an increase in the potential for erosion, flooding or drainage Problems?	<b>X</b>	
Will the proposed action create a hazard to environmental resources or human health?	<b>X</b>	

## H. STAFF FINDINGS

Planning Staff has the following findings:

1. The Planning Commission must determine if the requirements of Section 410-47 for a Series A Site Plan Review have been met.
2. The Planning Commission must determine if the general requirements as set forth in Section 410-40 for a Special Use Permit have been met.

## I. COMMENTS FROM OTHER DEPARTMENTS

Representatives of the following departments were provided case materials and an opportunity to offer comments on the proposal: Building Construction, Zoning & Code Enforcement; Broome County Department of Planning and Economic Development. The deadline for this comment period is March 7th, 2014.

## J. ENCLOSURES

Enclosed are copies of the site plan, 1<sup>ST</sup> and 2<sup>nd</sup> story floor plans, and site photos.

Enclosures